

1 Beckner or --

2 MR. HOLT: Yes, I have nothing to offer on this
3 point. Right.

4 JUDGE SIPPEL: Mr. Weber?

5 MR. WEBER: Well, actually, I was just kind of
6 scanning Mr. McKinnon's deposition again. I don't recall
7 the testimony specifically that Mr. Beckner is referring to.
8 But beyond that, I mean, I would have no objection to the
9 deposition being offered as -- or just being brought in. If
10 -- if Mr. McKinnon's testimony does contradict or at least
11 does not fully mesh with Mr. Price's testimony over the
12 procedures that were set in the early days, I think that is
13 relevant. And we do have Mr. Price here and we can question
14 Mr. Price about it, as well. But the Bureau would not
15 object to the deposition being brought in. But, of course,
16 we'll defer to your ruling on that.

17 JUDGE SIPPEL: Well, this Witness has testified --
18 this Witness -- and as I -- he's -- he's stuck with his
19 testimony. If this is his story, this is his story. It's
20 going to be -- I would permit -- if -- if you want to
21 proceed that way -- and again, this is in the interest of
22 not expanding the scope of this hearing beyond what is
23 necessary. But if you want to cross examine him on what Mr.
24 McKinnon said, I've got no objection to that. I've got no -
25 - I'll permit it up to a point. You're going to object to

1 that, Mr. Spitzer, or not?

2 MR. SPITZER: We will not object, Your Honor,
3 because I think to the extent that you feel it would assist
4 you in evaluating Mr. Price's credibility or the -- any of
5 the facts that he's testified to, we -- we think ultimately
6 it will assist us in these proceedings and we will not
7 object.

8 JUDGE SIPPEL: All right.

9 MR. BECKNER: Well, Your Honor, I'll just add that
10 I think I've asked the questions that I would ask him
11 regarding how things were in what I've called the McKinnon
12 era. And -- and, you know, beyond that, I wouldn't -- I
13 mean, as you say, he's given his -- Mr. Price has given his
14 version of -- of Liberty/Bureau Exhibit 2. And I'm not
15 going to, you know, ask him to -- to change it. I mean --

16 JUDGE SIPPEL: You see, it becomes more -- it
17 becomes -- we're back to 1993 at a time when events were not
18 happening that has prompted this -- the HDO. And so
19 therefore, it's -- it's difficult -- it's more difficult to
20 test the reliability of the recollection of a witness about
21 something that really isn't -- it is relevant, yes. The
22 policy, the existence of the policy, the setting up of the
23 policy and how it was -- how it was operated all the way
24 down to the present is important.

25 But there are degrees of -- there are degrees of

1 the significance of that testimony. And it really kicks in,
2 you know, in the late part of '94 in my -- in my estimation
3 anyway. And if we have a witness that's got a fuzzy
4 recollection -- I mean, Mr. -- you know, we know Mr. Price
5 has had fuzzy recollections in other areas, too. So, you
6 know, well, I'm not so sure what this is all -- the time
7 that would be spent on this would -- would bring us. And I
8 am very reluctant to bring in -- just to bring in a
9 deposition testimony because, you know, I don't like to do
10 that. Do you have any more to say?

11 MR. SPITZER: Your Honor, we're very ambivalent.
12 Frankly, we think his testimony would assist us. We agree
13 with you as a general principle in terms of going back to
14 '93. I would merely observe if we accept as correct Mr.
15 McKinnon's statement that he checked before every path was
16 turned on for an authorization and that changed and Mr.
17 Behrooz did not assume that obligation after McKinnon -- Mr.
18 McKinnon left, I'm not sure it really changes the nature,
19 the texture of what we have heard in this proceeding. So I
20 suppose that we would agree with you and ask only that if it
21 comes in, that it comes in in its entirety because we think
22 there are things he said there that are very useful for us.

23 JUDGE SIPPEL: Well, if there's no objection to
24 the McKinnon deposition coming in and you want to sponsor
25 the deposition, Mr. Beckner, I'll -- you know, I'll receive

1 it under these circumstances.

2 MR. BECKNER: That's fine, Your Honor. I mean,
3 that's -- and I have no problem with offering the entire
4 transcript. It's not my intent to selectively show you this
5 question and this answer and hide from some other question
6 and answer. Obviously, both sides will argue to you what --
7 the import of the testimony. But it will all be there for
8 you. As I said --

9 JUDGE SIPPEL: As I said before --

10 MR. BECKNER: As you're saying yourself, I didn't
11 think that the point was worth the time and frankly the
12 inconvenience to Mr. McKinnon of bringing him here to
13 Washington to testify for what probably would be an hour of
14 testimony. On the other hand, since we have his deposition,
15 I want to get that in. And I'm glad that Liberty has at
16 least concurred in that view.

17 JUDGE SIPPEL: Well, all right. But I said that -
18 - but the fact that he is coming in by way of testimony --
19 he's coming in by way of deposition only without him being
20 here in court is going to affect the weight that I would
21 give it, you know, in any event. But if it's relevant --

22 MR. BECKNER: Well, I understand that.

23 JUDGE SIPPEL: -- if it's relevant and, you know,
24 both sides feel that it's going to be helpful or at least
25 that it's going to be neutral, then fine. We'll let it in.

1 But my ruling has been before, once something comes into
2 evidence, it's evidence.

3 MR. BECKNER: Right.

4 JUDGE SIPPEL: It's not going to be, you know,
5 that evidence versus this evidence. It's evidence. All
6 right. Okay. Is there anything more that we -- of a
7 preliminary nature? It's 10:10. Why don't we take five
8 minutes and then bring Mr. Price in. I want to go until
9 12:15. I want to go for two hours before we break. So five
10 minutes.

11 (Whereupon, a brief recess was taken.)

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1 JUDGE SIPPEL: Let's see; Mr. Price is on the
2 stand. Mr. Price, you're still under oath. Do you
3 acknowledge that?

4 THE WITNESS: Yes, sir.

5 Whereupon,

6 PETER O. PRICE

7 having been first duly sworn, was called as a
8 witness herein and was examined and testified as follows:

9 CROSS EXAMINATION (RESUMED)

10 JUDGE SIPPEL: Mr. Beckner, are you ready to
11 proceed?

12 MR. BECKNER: Yes I am, Your Honor.

13 BY MR. BECKNER:

14 Q Good morning Mr. Price.

15 A Good morning.

16 Q When we left off on Thursday, you were looking at,
17 or you were asking for time to look at TW/CV, Exhibit 21.
18 It's a rather thick exhibit. I think we concluded then that
19 the clock was going to run out on us before you had a chance
20 to look at that and answer any questions. So if you're --

21 JUDGE SIPPEL: Hold on just a minute. Let me go
22 off the record a minute. Mr. Beckner?

23 MR. BECKNER: Thank you, Your Honor.

24 BY MR. BECKNER:

25 Q Mr. Price you now have in front of you Time Warner

1 Exhibit 21, the first page which is a letter to Michael B.
2 Hayden dated June 16, 1995 on Pepper & Corazzini stationary.
3 Do you have that sir?

4 A Yes, I do.

5 Q Okay. Now you -- do you need to take some time to
6 look at that before I ask you some questions about it, or
7 have you had a chance to do so?

8 A I had a chance to do so. I gave it a brief read
9 before today's session.

10 Q Okay. Exhibit 21 which is the Pepper & Corazzini
11 letter was in fact included with the letter that you wrote
12 on the same date. Isn't that correct? And that's -- that's
13 been marked as Liberty Bureau Exhibit 3.

14 A May I refer to that?

15 Q Certainly.

16 A Yes, I have it in front of me.

17 Q Okay and the questions was, was Exhibit 21, that
18 is the Pepper & Corazzini letter to Mr. Hayden, was that in
19 fact an attachment or an enclosure with your letter which is
20 Liberty Exhibit Three?

21 A I don't recall.

22 Q Okay. If you would -- if you don't mind taking a
23 look at your letter which is just two pages and see if that
24 refreshes your recollections. Actually I think the first
25 paragraph of your letter might do it.

1 A Yes I presume this is the attachment --

2 Q Okay

3 A Putting the two together.

4 Q -- and when you say this you mean Exhibit 21?

5 A Yes. Correct.

6 Q Okay. Now do you remember whether or not you
7 reviewed Mr. Barr's letter, that's the one that's been
8 marked as Exhibit 21 before it went out?

9 A I don't recall that I did. I may have, but I
10 don't recall.

11 Q Okay. Do you remember whether or not -- now let
12 me strike that. These two letters, that is your letter and
13 Mr. Barr's letter have the same date of June 16 and of
14 course Mr. Barr's office is here in Washington and your
15 office is in New York. Do you remember whether or not the
16 whole package, which consisted of your letter and Mr. Barr's
17 letter and the attachments did that come -- did that leave
18 from your office or from Mr. Barr's office?

19 A I have no recollection whatsoever.

20 Q Okay. Now I think you said a moment ago that you
21 have had a chance to look through Exhibit 21. I'd like you
22 to turn to the page that has the small numbers at the bottom
23 of Exhibit 21, 003. It's also page three of the letter to
24 Mr. Hayden.

25 A Yes, I have it.

1 Q Okay. And that page begins a discussion of the
2 February 21, 1995 affidavit of Behrooz Nourain. Before you
3 read this letter of Mr. Barr, assuming you did read it, did
4 you know anything about Mr. Nourain's explanation for the
5 alleged inconsistency between his February affidavit which
6 is mentioned here and his May declaration that he filed with
7 the FCC?

8 A Not that I can recall. It may have been brought
9 to my attention, but I wasn't intimately aware of the facts
10 of what was going on there.

11 Q Okay and I take it you weren't involved in -- in
12 any investigation or sorting out of what Mr. Nourain knew
13 and when he knew it at the time of this letter which is June
14 16th?

15 A No I was not.

16 Q All right. Now Mr. Barr's letter discusses at
17 great length the question of what Mr. Nourain knew about
18 Time Warner's petitions had been denied and when he knew it
19 and what I'd like to ask you is whether or not you think
20 that Liberty should have advised the commission either in
21 this document, that is Exhibit 21 or in the May 14 surreply
22 which is filed with the commission, that you, unlike Mr.
23 Nourain did know that Time Warner had petitions denying all
24 of Liberty's applications?

25 And that, unlike Mr. Nourain, you knew this would

1 delay FCC action on these applications. And that you knew
2 in advance during the whole first four months of 1995 that
3 Mr. Nourain was going to activate new microwave paths? Do
4 you think the commission should have been --

5 MR. SPITZER: Your Honor I'm thoroughly confused
6 by the structure of that question and I think if I'm --

7 JUDGE SIPPEL: Sustained. Try and rephrase this
8 Mr. Beckner.

9 MR. BECKNER: All right.

10 WITNESS: If you could divide it into the pieces
11 it would help me.

12 BY MR. BECKNER:

13 Q All right. Well I'll just ask do you think
14 Liberty should have advised the commission, either in this
15 Exhibit 21 or in the surreply which was filed with the
16 commission on May 14, that unlike Mr. Nourain, you in fact
17 did know that Time Warner had petitioned to deny all of
18 Liberty's applications, not just the ones that were cable
19 interconnected billings?

20 JUDGE SIPPEL: Again you're -- Mr. Beckner, you're
21 asking the witness to really relate to two documents, two
22 rather extensive documents in response to one question. If
23 you want to ask him about TW/CV 21 alone that's fine.

24 MR. BECKNER: All right.

25 JUDGE SIPPEL: And then you can ask him about any

1 other document. But let's take them one at a time.

2 MR. BECKNER: Okay that's fine. I'll be glad to
3 do that.

4 BY MR. BECKNER:

5 Q Mr. Price, do you think that in Exhibit 21 or in
6 your letter which has been marked as Liberty Bureau Exhibit
7 3, Liberty should have advised the Commission that unlike
8 Mr. Nourain you knew that Time Warner had petitioned to deny
9 all of Liberty's microwave applications, not just the
10 applications that were to replace cable interconnected
11 billings?

12 JUDGE SIPPEL: I think we're having the same
13 problem with the question. You're asking him about like
14 there's something in there about "unlike Mr. Nourain". If
15 you just direct the witness to the document and if there's
16 something that's not in there that you want to ask him about
17 saying that --

18 MR. BECKNER: Okay.

19 JUDGE SIPPEL: You can ask him that. You know
20 should this have been in this document. And then you can
21 get the explanations.

22 BY MR. BECKNER:

23 Q All right. Mr. Price, should this document,
24 Exhibit 21 have advised the Commission --

25 A No. You were asking me about Exhibit 3 before.

1 You're now asking --

2 Q The Judge told me to ask you only about one
3 document.

4 A Yeah, but you were asking me about Exhibit 3. Is
5 it Exhibit 3 or Exhibit 21 you wish me to respond to?

6 JUDGE SIPPEL: All right. He's been instructed to
7 ask you one document at a time so just -- so all's just have
8 to do is listen to what he's going to say.

9 BY MR. BECKNER:

10 Q Exhibit 21, Mr. Price. For now we can leave
11 Exhibit 3 aside.

12 A Thank you.

13 Q All right. Do you think that in Exhibit 21
14 Liberty should have told the Commission that you knew that
15 Time Warner had petitioned to deny all of Liberty's
16 microwave applications, not just the ones that were filed to
17 cover cable interconnected billings?

18 MR. SPITZER: Your Honor I wanted to object. I'm
19 not sure there has been any foundation for the premise
20 that's in that question.

21 JUDGE SIPPEL: Well I'll sustain the objection. I
22 think the witness has to be asked is he familiar enough with
23 the document to testify or to agree with your conclusion,
24 Mr. Beckner, that in fact there has been no disclosure in
25 this document of all of the Time Warner petitions be denied,

1 and then go from there.

2 BY MR. BECKNER:

3 Q All right. Mr. Price, take whatever time you
4 need. Does the document say anything, that is Exhibit 21,
5 does it say anything about what you knew and when you knew
6 it?

7 A Not that -- from the brief reading I gave it, no.

8 Q Okay. Mr. Price, I think you testified last week
9 that you did understand prior to the end of April 1998, I'm
10 sorry, 1995, that Time Warner had filed petitions to deny
11 against all of Liberty's microwave applications.

12 A I was aware that Time Warner filed a petition to
13 deny our applications. I believe it was for all our
14 licenses, yes.

15 Q So the answer is yes?

16 A Yes.

17 Q Okay. Now the question I want to ask you is do
18 you think that Liberty should have given this information
19 about what you knew in Exhibit 21?

20 A I -- no I don't think so. I don't think it was
21 addressing what I -- I don't think we were addressing what I
22 knew. Nor do I think that was particularly relevant to what
23 counsel was saying here. That's my opinion.

24 Q Okay.

25 A I had already you know talked to -- I had

1 already -- we had already communicated and I believe I had
2 already communicated with the Commission about our intent to
3 uncover what was going on and do our best to correct it.
4 And I think we were already on the record at the time this
5 document was written. So I think it would have been
6 covering ground that was already covered.

7 Q I'd like you to take a look at Time Warner
8 Cablevision Exhibit 18 which is a document I think you
9 already looked at on Friday.

10 A May I just have a brief look again?

11 Q Certainly.

12 A This is the surreply?

13 Q Yes.

14 A Yes I've looked it over.

15 Q Now in your testimony on Thursday, we discussed --
16 the meaning of some of the sentences that are on page three
17 of the surreply.

18 A Yes.

19 Q And I take it -- let me just ask you the question.
20 Is it your belief that the paragraph on page three of the
21 surreply that begins with the words "application processing"
22 that that paragraph discloses the fact that you knew that
23 Time Warner had petitioned against all of Liberty's
24 applications, and that as a result of those petitions the
25 processing of the applications was being delayed?

1 A Let me -- could you state the question again so I
2 can read the paragraph and compare it with the question?

3 Q Yes. Do you understand the paragraph that begins
4 with the words application process? I'm sorry application
5 processing? Do you understand that paragraph to be telling
6 the Commission that you knew that Time Warner had petitioned
7 to deny all of Liberty's applications and that you knew that
8 -- well let's stop right there.

9 JUDGE SIPPEL: You can read that paragraph before
10 you answer that question.

11 A Okay Mr. Price.

12 JUDGE SIPPEL: Let's go off the record while he
13 reads it.

14 JUDGE SIPPEL: Mr. Price?

15 A No I don't -- there's nothing explicit there about
16 the reference to that I knew that Time Warner had petitioned
17 to deny all our licenses.

18 BY MR. BECKNER:

19 Q Okay well then can you tell us whether or not you
20 think that this document that's the surreply to be marked as
21 Exhibit 18 the Commission should have been told that
22 information?

23 A I think --

24 JUDGE SIPPEL: What do you mean by "that
25 information"?

1 MR. BECKNER: The information that Mr. Price knew
2 that Time Warner had petitioned to deny all of the
3 applications filed by them?

4 MR. SPITZER: Your Honor. I object only because
5 it strikes me that the witness is being asked to form a
6 legal conclusion about materiality if Your Honor thinks
7 that's relevant?

8 JUDGE SIPPEL: No I think it's relevant. I just
9 want to be sure that it's being asked in a way that's fair
10 to the witness. But do you understand the line of
11 questioning here?

12 A Yes I believe I do. But, my answer would be that
13 we were operating -- I was operating under -- with the
14 advise of counsel and with I think pretty well armed idea by
15 that time at least as I understood it of what was going on
16 and if I didn't specifically mention that particular
17 reference either counsel didn't think it was relevant in
18 this particular document at that particular intersection or
19 I didn't.

20 But I don't recall explicitly why it was or wasn't
21 mentioned. And I can't in the legal context here conclude
22 whether that was a good or bad idea. I have said earlier
23 that it would have been probably better in retrospect to say
24 to the Commission earlier we had a problem while we were
25 trying to figure out what it was in the scope of it and

1 respond to it.

2 But I can't accurately reach the conclusion you
3 want me to which was whether this was a good, bad or
4 indifferent idea to not reference the fact that Time Warner
5 had petitioned to deny all our applications in this
6 particular document.

7 Q Well, let me just make my question clear. First,
8 I'm not asking for your legal opinion or your legal
9 conclusion or your lawyer's legal conclusion. I'm simply
10 asking whether or not in the interest -- whether or not if -
11 - if we accept the purpose of this document was to tell the
12 Commission what the company knew about the situation at that
13 time whether or not in in your sense as an educated person
14 not necessarily as a lawyer, the Commission should have been
15 told as part of what the company knew at the time this
16 document was created?

17 MR. SPITZER: Your Honor this -- perhaps you
18 haven't I'm sorry.

19 BY MR. BECKNER:

20 Q That the president of the company knew that Time
21 Warner had petitioned to deny all of the applications even
22 if the Chief Engineer didn't know that?

23 JUDGE SIPPEL: We have an objection, just a minute
24 Mr. Spitzer?

25 MR. SPITZER: I think in the beginning of that

1 question there was a premise, and I'm not sure that premise
2 is correct that the underlying purpose of this document?

3 JUDGE SIPPEL: I -- I'm going to sustain the
4 objection. I -- I think that we really have to get more of
5 a foundation from this witness about this particular
6 document and what its purpose was.

7 MR. BECKNER: I'll be glad to ask him that.

8 JUDGE SIPPEL: Yeah you can get into this, but I
9 think you're going to have to first -- I want you first to
10 lay a better foundation.

11 MR. BECKNER: Okay.

12 BY MR. BECKNER:

13 Q Mr. Price, with respect to the surreply that's
14 been marked as Exhibit 18, what was your understanding --
15 strike that. What was -- what was the company's intent when
16 filing this particular document with the FCC?

17 A It was our intent following the realization at the
18 end of April by me that we may not have been properly
19 authorized in all our locations. From that point on, it was
20 our intention to do everything we could to inform the FCC in
21 a thoughtful and meaningful way as to how this occurred,
22 what the extent of the problem was and what we were doing
23 to correct it. And it's my impression that this particular
24 document was part of that process.

25 Q Well, when you say this particular document was

1 part of that process, was there some other document that was
2 filed or was submitted to the FCC at the same time as this
3 document that was also part of the process?

4 A No, there was an internal process going on to
5 unearth everything we could and to discover for us so we
6 could tell the Commission what was going on. And I believe
7 there were documents which followed this which also
8 elaborated on the problem and what we were doing about it.

9 Q But this document itself that is Exhibit 18 as far
10 as you know, at the time it was filed was intended to be
11 complete and self contained?

12 A No, I don't believe it says that. Nor was that
13 our intent. We were in the process of discovering what we
14 could about the problem that had occurred in getting to the
15 bottom of it. And as I recall, Time Warner's petition
16 earlier this month related to only two sites. We had
17 uncovered another dozen or so sites that were also infected
18 with this problem and were in the process and ongoing
19 process of trying to find out if there were any more.

20 So is this the end all be all? No, it was part of
21 a -- a flurry -- serious internal activity we were involved
22 in to get to the bottom of things. And I can't say and I
23 will not say that this was the sum total of our knowledge.

24 Q My question, sir, referred to the sum total of
25 your knowledge at a particular point in time. I understand

1 that your investigation continued beyond this date and that
2 you learned additional things. But the question simply was,
3 as of the date of this document, that is May 14, 1995, was
4 this document intended to convey what the company knew as of
5 this date about the situation?

6 A It was intended to convey what we knew as of this
7 date, but by no means to foreclose what we might uncover the
8 next day which we didn't know at the time this document was
9 written.

10 Q Okay. Now -- I take it from page three of the
11 document that the company determined as of the date of this
12 document at least, that Mr. Nourain had assumed that STA
13 requests were granted and that therefore he was free to turn
14 on these new microwave paths, is that correct?

15 A I believe that's one of the things the document
16 says, yes.

17 Q Okay. Now I think we've established earlier that
18 the document did not say that the president of the company,
19 that's you, knew that Time Warner had petitioned to deny
20 Liberty's applications and you knew that the consequences of
21 that were that the applications would be held up.

22 A You're -- I think you're asking could you divide
23 those into two questions because they're both fairly
24 substantive. You're talking about first what I knew, and
25 second the consequences of what I knew. And I don't want to

1 try and wrap that all in one answer because it may be
2 misleading.

3 Q Okay. First you knew the fact, did you not, that
4 the Time Warner had petitioned to deny against all of the
5 applications?

6 JUDGE SIPPEL: Now please give it a time frame as
7 to what date? As of May 17th?

8 Q As of May 17th and indeed that you had known and
9 you testified and I'll read you the testimony that you knew
10 in -- in January or February of f'95, that Time Warner had
11 petitioned to deny all of Liberty's applications that were
12 on file. Correct?

13 A Yes I was aware of those Time Warner petitions.

14 Q Okay.

15 A Or petition.

16 Q And in that same time period, January February of
17 '95, you realized that the consequence of these petitions
18 having been filed, was that Liberty's applications would be
19 delayed in processing?

20 A No. I -- when they were filed to the contrary, I
21 had no idea those petitions would be taken seriously at all.
22 When they were first filed.

23 JUDGE SIPPEL: Did you receive advice on that from
24 your counsel, from Pepper & Corazzini counsel, advise in
25 January February 1995 as to whether those petitions would

1 delay your getting approvals on your applications --

2 THE WITNESS: As I recall, when they were first
3 filed we did not get advice, they were looking into it or --
4 we got no immediate advice. Later on, I think we were
5 advised that there was some document that said it was likely
6 that our licenses would be held up, but I don't recall when
7 they gave that advice or delayed.

8 JUDGE SIPPEL: Are you sure it was not in January
9 or February?

10 THE WITNESS: It may have been in January or
11 February, but when I saw when I first saw the petitions
12 before I received the advice, was I aware that that would in
13 effect delay our licensing? No. At some point after that,
14 Pepper & Corazzini, the counsel, I don't remember if it was
15 specifically Pepper & Corazzini, advised us that yes this
16 apparently would delay our licenses. It could have been in
17 February. I don't recall the date.

18 MR. BECKNER: Your Honor, well first let me just
19 ask the witness if he recalls giving the following testimony
20 in his hearing on Thursday.

21 JUDGE SIPPEL: Is this from a deposition or is
22 this from yest --

23 MR. BECKNER: This is from the hearing. This is
24 from the hearing Your Honor.

25 JUDGE SIPPEL: Oh all right. Last week?

1 MR. BECKNER: And this is at page 1446 of the
2 transcript of January 16th. There's a couple of questions
3 and answers. I'm just going to read through the whole
4 thing.

5 BY MR. BECKNER:

6 Q And this question is about the same page Exhibit
7 18 that we're now looking at Mr. Price. I'm going to read
8 the question. And the reference is Exhibits 1 and 2. And
9 Exhibits 1 and 2 are of course the declarations of you and
10 Mr. Nourain.

11 The Administration Department that's identified in
12 this pleading, that's you isn't it? And this is your answer
13 "In effect it's me because I'm the one responsible for
14 knowing what's going on in the company and fixing it when
15 it's wrong." I think what's being referred to here is the
16 trafficking of communication between one department and
17 another, what we described as an administrative foul up.

18 And I think the use of Administrative Department
19 is used to describe not so much as a physical department,
20 although there is one responsible for preparing documents,
21 copying them and distributing them. It's to describe what
22 we said was an administrative foul up in the company.

23 Question: Okay. And just to pursue that a little
24 bit further, I take it that it would be correct to read
25 this sentence is that the problem is that you knew the grant

1 of Liberty's applications was being held up but you didn't
2 tell that to Mr. Nourain?

3 Answer: I think the effect is that I should have
4 known or could have known, but I didn't, but I specifically
5 didn't know that.

6 Question: I'm sorry you specifically didn't know
7 what?

8 Answer: That I knew that we were having problems
9 with the granting of applications and that we were getting
10 delayed, but I specifically just didn't get into the details
11 with Mr. Nourain.

12 Now, Mr. Price, I just read you from the transcript of
13 of your testimony on Thursday, and are you saying that you -
14 - you don't think that you did in fact sometime in February
15 or January of 1995 understand that the effect of the
16 petitions to deny being filed against your applications
17 would be to delay the processing of those applications?

18 A As I said, at the time they were initially filed I
19 didn't have any idea what the effect would be, but at a
20 point in time I was made aware that this would probably
21 delay our -- our licensing. I don't remember exactly when
22 that occurred.

23 MR. BECKNER: Your Honor we just received as you
24 know moments before you walked in this morning, copies of
25 these billing transcripts from Pepper & Corazzini which

1 referenced telephone conversations for dates and subjects.
2 I haven't had a chance to copy them of course but I'd like
3 to ask the witness about these to see if they refresh his
4 recollection on this very matter.

5 JUDGE SIPPEL: Any objection?

6 MR. SPITZER: We have no objection Your Honor.

7 JUDGE SIPPEL: Go ahead.

8 MR. BECKNER: All right.

9 BY MR. BECKNER:

10 Q All right.

11 JUDGE SIPPEL: Why don't we go off the record and
12 let us know when you're ready.

13 JUDGE SIPPEL: Mr. Beckner.

14 BY MR. BECKNER:

15 Q All right. Mr. Price we have received this
16 morning, copies of the billing records of Pepper & Corazzini
17 for the first five months of 1995. And they indicate the
18 activity of the various lawyers on specific days. The
19 billing record for the January time period reflects a -- on
20 January 11th a telephone call with you regarding the Time
21 Warner petition that apparently was filed some time prior to
22 that. It also reflects a memorandum to you about the same
23 subject. Do you recall?

24 JUDGE SIPPEL: Who was the call from? Does it
25 say?